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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/736,168	12/15/2000	Naoto Matsumoto	00407.00007	8093

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EXAMINER

RAMPURIA, SATISH

ART UNIT	PAPER NUMBER
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2191

DATE MAILED: 04/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/736,168	Applicant(s) MATSUMOTO, NAOTO	
	Examiner Satish S. Rampuria	Art Unit 2191	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 February 2006.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 22-38 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 22-38 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Response to Amendment

1. This action is in response to the RCE received on Feb 28, 2006.
 2. Claims 7 and 13 previously cancelled by the Applicants.
 3. Claims 1-6, 8-12, and 14-21 are cancelled by the Applicants.
 4. New claims 22-38 are pending.
5. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on Feb 28, 2006 has been entered.

Response to Arguments

6. Applicants presented no arguments therefore no response is given.

Claim Rejections - 35 USC § 112

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. Claim 22, 28 and 33 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 22 recites the limitation "said remapped data" in line 11 of the claim. There is insufficient antecedent basis for this limitation in the claim.

Claims 22, 28 and 33, the limitation, "can be" should be deleted it is unclear as to whether the remapped data is used by new version of control program.

Claim Rejections - 35 USC § 102

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

10. Claims 22-38 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent No. 5,787,288 to Nagata et al. (hereinafter, Nagata).

Per claims 22, 33 and 34:

- a storage unit that stores a control program (col. 2, lines 39-42 "memory may be operable to store an apparatus control program");

- a receiver adapted to receive from a host computer a new version of the control program (col. 3, lines 13-16 "data received from a central station is a new program when a communication request signal is received from the central station."), and
- new data mapping information associated with the new version of the control program (col. 7, lines 32-37 "...FIGS. 5A and 5B and 6, an apparatus control program renewal sequence according to a third embodiment of the invention is described. FIG. 5A is a block diagram depicting a circuit configuration for renewing the apparatus control program and FIG. 5B is a diagram showing a memory map of the ROM circuit 3");
- a rewriter adapted to rewrite said storage unit to update a current version of the control program to said new version of the control program (col. 2-3, lines 62-67 and 1-3 "central station being operable to transmit data concerning a new renewal program in addition to a new apparatus program... two rewritable memories may be made to store a transmitted new apparatus control program and a transmitted new renewal program one after another");
- a remapping portion that remaps data used by said current version of the control program based on said new data mapping information, so that said remapped data can be used by said new version of said control program (col. 7, lines 32-37 "...FIGS. 5A and 5B and 6, an apparatus control

program renewal sequence according to a third embodiment of the invention is described. FIG. 5A is a block diagram depicting a circuit configuration for renewing the apparatus control program and FIG. 5B is a diagram showing a memory map of the ROM circuit 3"); and

- a controller for executing said new version of the control program stored in said storage unit (col. 8, lines 50-55 "once the facsimile machine 10 is restarted after renewing the apparatus control program, it executes its tasks under the new apparatus control program");

The limitation regarding the vending machine in the preamble is not given any patentable weight because the body of the claim does not recite any limitations related to the vending machine.

Per claims 23 and 35:

The rejection of claim 22 is incorporated, and further, Nagata discloses:

- wherein the receiver is adapted to receive new attribute information for said new version of the control program (col. 2, lines 2-5 "judging whether data transmitted from the central station is a new program; and replacing a previously stored program with the new program, if a new program is transmitted"); and

- said rewriter includes a rewrite determinator adapted to determine, based on said new attribute information received from the host computer, whether or not to rewrite said storage unit to update a current version of the control program to said new version of the control program (col. 2, lines 2-5 “judging whether data transmitted from the central station is a new program; and replacing a previously stored program with the new program, if a new program is transmitted”).

Per claims 24 and 36:

The rejection of claim 22 is incorporated, and further, Nagata discloses:

- a rewriting portion that stores a rewrite program therein (col. 2, lines 39-42 “memory may be operable to store an apparatus control program”), and
- wherein said rewriter rewrites said storage unit to update a current version of the control program to said new version of the control program by executing said rewrite program (col. 8, lines 50-55 “once the facsimile machine 10 is restarted after renewing the apparatus control program, it executes its tasks under the new apparatus control program”).

Per claims 25 and 37:

The rejection of claim 22 is incorporated, and further, Nagata discloses:

- wherein said receiver is adapted to receive from the host computer a rewrite program with said new version of the control program (col. 3, lines 13-16 “data received from a central station is a new program when a communication request signal is received from the central station.”), and
- said rewriter rewrites said storage unit to update a current version of the control program to said new version of the control program by executing said rewrite program received from the host computer (col. 2-3, lines 62-67 and 1-3 “central station being operable to transmit data concerning a new renewal program in addition to a new apparatus program... two rewritable memories may be made to store a transmitted new apparatus control program and a transmitted new renewal program one after another”).

Per claims 26 and 38:

The rejection of claim 22 is incorporated, and further, Nagata discloses:

- wherein said receiver is adapted to receive from the host computer a data remapping program for carrying out remapping of said data with said new version of the control program (col. 7, lines 32-37 “...FIGS. 5A and 5B and 6, an apparatus control program renewal sequence according to a third embodiment of the invention is described. FIG. 5A is a block diagram depicting a circuit configuration for renewing the apparatus control program

and FIG. 5B is a diagram showing a memory map of the ROM circuit 3"),
and

- said rewriter performs data remapping by executing said received data remapping program (col. 7, lines 32-37 "...FIGS. 5A and 5B and 6, an apparatus control program renewal sequence according to a third embodiment of the invention is described. FIG. 5A is a block diagram depicting a circuit configuration for renewing the apparatus control program and FIG. 5B is a diagram showing a memory map of the ROM circuit 3").

Per claim 27:

The rejection of claim 22 is incorporated, and further, Nagata discloses:

- wherein said storage unit is a rewritable memory (col. 2, lines 59-60 "The two storage portions may be two rewritable memories respectively, the renewal program being written in a portion of one rewritable memory together with a write-inhibit code for inhibiting overwrite").

Claims 28-32 are the apparatus/device claim corresponding to method claims 22-27 respectively, and rejected under the same rationale set forth in connection with the rejection of claims 22-27 respectively, above.

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Satish S. Rampuria** whose telephone number is **(571) 272-3732**. The examiner can normally be reached on **8:30 am to 5:00 pm** Monday to Friday except every other Friday and federal holidays.

Any inquiry of a general nature or relating to the status of this application should be directed to the **TC 2100 Group receptionist: 571-272-2100**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Wei Y. Zhen** can be reached on **(571) 272-3708**. The fax phone number for the organization where this application or proceeding is assigned is **571-273-8300**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Satish S. Rampuria
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Art Unit 2191



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SUPERVISORY PATENT EXAMINER